THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10116 of_2005

Dated:12.10.2006

Between
K.Somesh

.....Petitioner

and

The Collector and District Magistrate
Kurnool, Kurnool District.

...Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10116 of 2005

ORDER:

This writ petition is filed seeking a Mandamus to declare the impugned endorsement Rc.No.CS2/516/2004, dated 29.3.2005 issued by the respondent, rejecting the appeal filed by the petitioner, as illegal, arbitrary and contrary to the guidelines prescribed by the Government in Memo No.148/CS.1/96-1, dated 22.1.1999.

The petitioner is the fair price shop dealer of Shop No.146 of Weaker Section Colony, Kurnool town, Kurnool District. The total number of cards allotted to shop No.146 is 657 and as per the guidelines issued by the Government, the minimum cards for maintaining the fair price shop must be 800 in urban area where as, the respondent has allotted only 657. Though new cards have been

distributed, no cards were allotted for the shop of the petitioner for making 800 cards.

The only grievance of the petitioner is that shop No.146 is in city area. Therefore, 800 cards have to be allotted and further cards could have been allotted to other fair price shop. On examination of the Memo issued by the Government, it is to be seen that in rural areas, no fair price shop should be sanctioned, if the number of cards to be attached to the fair price shop is less than 350.

In the counter filed by the respondent, it is asserted that the card holders agitated for non receipt of the stocks in time and this agitation was reported in Eenadu daily dated 6.1.2004. Further one of the dealer could not lift the stocks within the time. Further, it is asserted that there has been a sudden rise in the number of cards due to issuance of new white cards in the Month of November and December, 2003. In over all general public interest, the existing three fair price shops in weaker section

colony were bifurcated into four fair price shops.

The bifurcation of a shop is purely administrative convenience keeping the interest of the general public. In this case, the petitioner was allotted with 657 cards which is more than the prescribed limit in the area i.e., 500. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed.

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12-10-2006

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